

**REMARKS/ARGUMENTS**

Applicants have received and carefully reviewed the Office Action of the Examiner mailed January 16, 2009. Claims 1-40 and 42-43 are pending. Reconsideration and reexamination are respectfully requested.

***Rejection under 35 U.S.C. § 102(e)***

Claims 1-33, 38-42, and 43 are rejected as being anticipated by Rosen et al. The Examiner does not specify a patent number for the Rosen et al. reference. Applicants will assume the Examiner is referring to U.S. 7,156,318 to Rosen, which is cited on the Form PTO-892 accompanying the Office Action. If this is not correct, Applicants respectfully request clarification.

The Examiner asserts that Rosen discloses a method of accessing a schedule on a controller comprising the steps of initiating a schedule review mode, the schedule review mode permitting viewing access only and not permitting editing access to at least two schedule parameters in the schedule, referring to Fig. 6 and column 7, lines 45-67 for support. Applicants respectfully disagree. With respect to Figure 6 and 7, Rosen states:

FIG. 6 shows a first pictorial 113 presented on the touch screen 112 and including: a column 114 of interactive virtual buttons 115, 116, 117...

When a user touches any active part of the touch screen in pictorial 113, the overall display changes to pictorial 122, a second level touch screen shown in FIG. 7. Virtual buttons 115, 116, and 117 still perform the functions described above. Newly-presented virtual buttons 127 and 129 can be selectively touched at temperature displays 128, and 130, respectively, to adjust the minimum and maximum set points.

Emphasis added; see column 7, lines 45-47 and column 8, lines 1-5. The Examiner appears to take the position that the first level screen shown in Figure 6 corresponds to the schedule review mode of, for example, claim 1. However, the first level screen of Figure 6 appears to be the default or home screen of Rosen, and that when “a user touches any active part of the touch screen in pictorial 113, the overall display changes to pictorial 122, a second level touch screen shown in FIG. 7”. It is unclear how the default or home screen of Figure 6 of Rosen is somehow

manually initiated, and more specifically, how this can corresponds to the step of “manually initiating a schedule review mode within the controller, said schedule review mode permitting viewing access only and not permitting editing access to at least two schedule parameters in the schedule”, as recited in claim 1.

In addition, claim 1 states that while in the schedule review mode, manually selecting via the user interface any of the two or more schedule parameters, and in response to the manually selecting step, displaying the manually selected schedule parameters via the user interface. According to the Examiner’s interpretation, the default or home screen of Figure 6 corresponds to the schedule review mode of claim 1, and more specifically, a schedule review mode permitting viewing access only and not permitting editing access to at least two schedule parameters in the schedule. As noted above, by simply touching any active part of the default or home screen of Figure 6 of Rosen, the overall display changes to pictorial 122, a second level touch screen shown in FIG. 7, where editing access is clearly permitted. Thus, the second level screen of Figure 7 cannot be considered part of the schedule review mode. As such, Applicants do not understand how the default or home screen shown in Figure 6 of Rosen can be interpreted as providing “while in the schedule review mode, manually selecting via the user interface any of the two or more schedule parameters”, and “in response to the manually selecting step, displaying the manually selected schedule parameters via the user interface” as recited in claim 1, particularly since whenever the user of the default or home screen of Figure 6 of Rosen touches any active part of the screen of Figure 6, the overall display changes to the second level touch screen shown in FIG. 7 where editing access is clearly permitted.

The Examiner also appears to assert that all viewable parameters in the default or home screen shown in Figure 6 are somehow “selected” when the controller is initially turned on. This does not appear to be a reasonable interpretation, as there is nothing on Rosen that would disclose or suggest that all viewable parameters in Figure 6 are somehow automatically “selected” when the controller is initially turned on. Moreover, claim 1 recites “while in the schedule review mode, manually selecting via the user interface any of the two or more schedule parameters”. Having all of the viewable parameters in Figure 6 automatically “selected” when the controller is initially turned on clearly does not teach “manually selecting via the user

interface any of the two or more schedule parameters”, as recited in claim 1. Also, and as detailed above, if the user of the default or home screen of Figure 6 of Rosen were to try and touch any active part of the screen of Figure 6 (e.g. to manually select anything), the overall display changes to the second level touch screen shown in FIG. 7 where editing access is clearly permitted. As such, Rosen cannot be seen to teach each and every element of claim 1. For these and other reasons, claim 1 is believed to be clearly patentable over Rosen. For similar and other reasons, independent claims 13, 25, 39-40, and 42-43 are also believed to be clearly patentable over Rosen.

The Examiner also asserts that Rosen teaches a method wherein the schedule review mode must be exited before editing is initiated. Applicants submit there is no support for such an interpretation of Rosen. The Examiner refers to column 8, lines 1-8 of Rosen for support. This passage of Rosen states:

When the user touches any active part of the touch screen in pictorial 113, the overall display changes to pictorial 112, the second level touch screen shown in FIG. 7. Virtual buttons 115, 116, and 117 still perform the functions described above. Newly-presented virtual buttons 127 and 129 can be selectively touched at temperature displays 128, and 130, respectively, to adjust the minimum and maximum set points.

As can be seen, the cited passage of Rosen appears to teach a thermostat in which the touch screen may be touched and buttons activated at any time, when any screen is shown. Rosen do not appear to teach a thermostat or method in which a schedule review mode is configured to not permit the user to modify at least one of the two more selected schedule parameters without first initiating the editing mode, as recited in, for example, independent claim 25.

Also, claim 25 recites “wherein the schedule review mode is configured to permit a user to manually select and then display in any desired order two or more selected schedule parameters”. The Examiner does not appear to address this element in the Office Action. As noted above, if the default or home screen shown in Figure 6 of Rosen corresponds to the schedule review mode of claim 25, and if a user of the default or home screen of Figure 6 of Rosen were to touch any active part of the screen of Figure 6 (e.g. to manually select and then display anything) the overall display changes to the second level touch screen shown in FIG. 7

where editing access is clearly permitted, then Rosen clearly cannot teach, disclose or suggest “wherein the schedule review mode is configured to permit a user to manually select and then display in any desired order two or more selected schedule parameters”, as recited in claim 25.

Likewise, claim 39 recites: “wherein the schedule review mode is configured such that when in the schedule review mode, a user is permitted to manually select and view, in a user-controlled order, two or more schedule parameters of interest but is not permitted to modify the selected and viewed schedule parameter(s); claim 40 recites “wherein the schedule review mode permits a user to manually select and view, in a user-controlled order, two or more schedule parameters of interest”; and claim 43 recites “wherein the schedule review mode is configured such that selecting a first user input results in one or more first schedule parameters to be displayed via the user interface, and selecting a second user input results in one or more second schedule parameters to be displayed via the user interface. For similar reasons to those discussed above with respect to claim 25, Rosen clearly does not teach these elements.

For the foregoing reasons, as well as other reasons, claims 1, 13, 25, 39-40, and 42-43 are all believed to be clearly patentable over Rosen. For similar and other reasons, dependent claims 2-12, 14-24, and 26-38, which are dependent claims and include significant additional distinguishing features, are also believed to be clearly patentable over Rosen. Reconsideration and withdrawal of the rejection are respectfully requested.

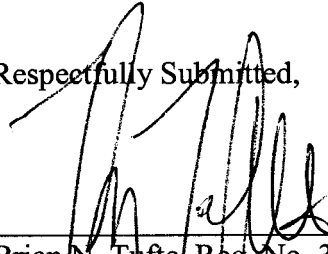
***Rejection under 35 U.S.C. § 103***

Claims 34-37 are rejected as being unpatentable over Rosen and further in view of Yoon et al. (US 6,192,282). For at least the reasons set forth above, Rosen clearly fail to teach the identical structure recited in independent claim 25, from which claims 34-37 depend. Yoon et al. do not appear to teach or suggest what Rosen lacks. Thus even if one were to combine Rosen and Yoon et al., one would not arrive at the controller as claimed. Further, there would appear to be no motivation or other reason for one of ordinary skill in the art to modify Rosen and/or Yoon et al. to achieve the device as claimed. Reconsideration and withdrawal of the rejection are respectfully requested.

**Conclusion**

Reconsideration and reexamination are respectfully requested. It is submitted that, in light of the above remarks, all pending claims 1-40 and 42-43 are now in condition for allowance. If a telephone interview would be of assistance, please contact the undersigned attorney at 612-359-9348.

Respectfully Submitted,



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Brian N. Tufte, Reg. No. 38,638  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, Minnesota 55403-2420  
Telephone: (612)-359-9348  
Facsimile: (612) 359-9349  
Email: Brian.Tufte@cstlaw.com